

VZCZCXRO1833

RR RUEHAG RUEHAST RUEHDA RUEHDBU RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA
RUEHLN RUEHLZ RUEHROV RUEHSR RUEHVK RUEHYG
DE RUEHVB #0208/01 0601435
ZNR UUUUU ZZH
R 011435Z MAR 07
FM AMEMBASSY ZAGREB
TO RUEHC/SECSTATE WASHDC 7356
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEAWJA/DEPARTMENT OF JUSTICE WASHDC
RUEAHLA/HOMELAND SECURITY CENTER WASHINGTON DC
RUEHC/DEPT OF LABOR WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHDC

UNCLAS SECTION 01 OF 06 ZAGREB 000208

SIPDIS

SENSITIVE

SIPDIS

DEPT FOR G/TIP, G, INL, DRL, PRM, IWI, EUR/PGI
DEPT PASS USAID

E.O. 12958: N/A

TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [HR](#)

SUBJECT: ANNUAL ANTI-TRAFFICKING IN PERSONS (TIP) REPORT FOR
CROATIA

REF: STATE 202745

Sensitive but unclassified; please handle accordingly.

11. (SBU) Post is pleased to submit its Annual Anti-Trafficking in Persons Report. In 2006, Croatia was ranked as tier two and Post recommends retaining that ranking for the current reporting period. The Government of Croatia (GOC) continued to improve its cooperation with NGOs to identify and assist victims of TIP, increased its identification and prosecution efforts, and increased its training activities for officials, especially for the country's police officers who work directly on TIP victims' identification and border control.

1A. Croatia is in the process of becoming an EU member. The country borders on three EU member states (Hungary, Austria and Slovenia) and on the Republic of Serbia, the Republic of Montenegro and Bosnia & Herzegovina. TIP victims identified in Croatia are typically en route to wealthier countries of the EU. From a TIP perspective, the country is primarily a transit country for women and girls trafficked to other parts of Europe for prostitution. To a lesser extent, Croatia is a destination and a country of origin for trafficked women. The trafficking route is primarily from Southeastern Europe through Croatia to the EU. The GOC reported 13 victims identified in 2006 and three victims identified in early 2007: one Serbian, three Bulgarian, one Romanian, three Ukrainian, one Albanian, one Bosnian, and six Croatians. All victims were women and two were minor victims. Since 2002, (2002 - eight victims, 2003 - eight victims, 2004 - 19 victims, 2005 - six victims, 2006-13 victims, 2007- three victims) a total of 57 TIP victims have been identified. In addition, in February 2007 the International Organization for Migration (IOM) reported another potential victim of TIP from Azerbaijan. The GOC reported that all victims cooperated with police investigations. Female victims living in poor economic situations are more at risk of being trafficked.

1B. The GOC did not report any significant route changes. Croatia is still principally a country of transit for victims coming from Southeastern Europe through Croatia to the European Union. The GOC, which includes all relevant Government Ministries and the Government Office for Human Rights, shows a strong political commitment and willingness to fight trafficking in persons. Anecdotal information indicated that international organized crime groups, local groups, and travel or marriage agencies were responsible for trafficking. Victims usually travel with legal documents, although some are falsified. Unofficial sources indicate that trafficked victims are mostly recruited through fraud and promises of well-paying jobs abroad. The methods of recruitment are numerous and diverse:

abduction, extortion, false promises, fictitious marriages, bogus adoption agencies, seduction, the issuance of false certificates required for student visas, business offers, etc. Victims are subject to violence, intimidation, withholding of documents, and threats by traffickers. The majority of victims, both foreign and national, reported poor living and working conditions and suffered physical and/or sexual abuse in the process of trafficking.

1C. There are no specific limitations on the government's ability to address the problem of trafficking in persons, other than a slow and inefficient judicial system. Funding is adequate and the GOC budget dedicated for TIP activities in 2006 was approximately 8.5 million kunas (1.4 Million USD). A severe backlog in the judicial system continues to hamper the GOC's ability to convict traffickers under the TIP Provision enacted in October 2004. It frequently takes several years for cases to work their way through the backlogged judicial system from start to finish.

1D. The GOC systematically monitors anti-trafficking efforts through its Anti-Trafficking Coordinator - Head of the Office of Human Rights - which is responsible for coordinating all GOC activities and developing an annual operational plan. In addition, the GOC's National Committee for the Suppression of Trafficking consists of members from relevant ministries and meets periodically, as does a smaller working group including NGOs that meet regularly to discuss specific TIP cases and programs. TIP-related information is made available publicly through the Office for Human Rights website, as well as via domestic and regional seminars. The GOC also cooperates closely with the Southeast European Cooperative Initiative (SECI) and Interpol on investigations and prosecutions.

12. (SBU) PREVENTION:

1A. The GOC acknowledges that TIP is a problem, which was made clear through the introduction of a legislative framework in 2004 in which

ZAGREB 00000208 002 OF 006

TIP was specifically defined as a criminal act, as well as through the Operational Plans and National Programs through which the GOC is working with its partners in the suppression of trafficking. The GOC is cooperative and supportive of TIP activities and initiatives. Cooperation with international organizations and civil society is strong. The Deputy Prime Minister, who is also responsible for social affairs and human rights, acts as the chairperson of the National Committee for Suppression of Trafficking, reflecting the high level of attention paid by the Government to combating Trafficking in Persons.

1B. GOC agencies involved in TIP activities are: The Government Office for Human Rights; National Committee for Suppression of Trafficking; the State Prosecutors Offices; the Ministries of Interior; Education, Science and Sport; Health and Social Welfare; Foreign Affairs; Justice; and Veterans, Family and Intergenerational Solidarity. The Government Office for Human Rights, in particular the National Coordinator, has the lead in anti-trafficking efforts.

1C. In 2006, the GOC continued two public awareness campaigns begun in 2005. One included TV spots, print ads on trams and at train stops, as well as billboards advertising the GOC-sponsored help line. The second campaign was a TV spot featuring a well-known Croatian celebrity on national television. Those two campaigns targeted the general public and children as the potential categories at risk. In addition, the GOC implemented educational workshops for its professionals and other targeted groups such as social workers, diplomatic and consular staff prior to assignments in countries identified as sources and destinations of victims, GOC officials employed in local government, judges, prosecutors, police officers, students and members of the Roma community. The Ministry of Interior, in cooperation with civic associations and the IOM Mission in Croatia, distributed fliers and posters intended for potential trafficking victims in receiving centers for asylum-seekers and for unaccompanied minors. In addition, the MOI posted fliers and posters on suppression of trafficking on roads, maritime border crossings, airports, and police departments. The posters and fliers were printed in Croatian, Macedonian, Romanian and Ukrainian. In total

the Ministry of Interior displayed and distributed a total of 1,992 posters and 53,800 fliers. Furthermore, representatives of the Government Office of Human Rights participated in numerous television and radio shows on the topic of trafficking in persons. The Ministry of Family, War Veterans and Intergenerational Solidarity developed and printed 10,000 informational fliers and 30,000 stickers to raise awareness of the danger of trafficking in women and children for the purpose of sexual exploitation. Finally, the Croatian Red Cross printed and distributed 60,000 fliers and posters with the message, "Are you a Trafficking Victim?", 3000 brochures on "trafficking in persons" which contain information on warning signs and measures for protection when seeking employment and traveling abroad, and 10,000 fliers on "forced labor in the twenty-first century", which contain general information on trafficking in persons, protective measures and SOS hotline numbers.

1D. The GOC continues to support numerous projects regarding the suppression of family violence, education of Roma children, gender issues, women's economic empowerment, suppression of drug abuse, etc. GOC promotion of these social projects has a cumulative and qualitative effect on combating TIP.

1E. The GOC relationship with NGOs and international organizations is strong and has become more effective during the reporting period. Last year the GOC provided approximately 610,000 Kuna (approximately 100,000 USD) for NGOs, specifically for TIP activities. NGOs reported very good cooperation with the Government Office for Human Rights, particularly with the current National Coordinator.

1F. The GOC border police continue to adequately monitor Croatia's borders and immigration and emigration patterns for evidence of TIP. In each case of smuggling and illegal migration, border police establish whether there is a potential case of TIP. If so, the case is then transferred to the Criminal Police Directorate; in cases where the potential victim is young and female the case is automatically forwarded to the Directorate. Border police have a formal framework for regional cooperation. Cooperation is good with all neighboring countries; Bosnia, Italy, Macedonia and in particular with Slovenia, Serbia, and Montenegro. The Ministry of Interior continued to encourage police officers to follow specific protocols for the treatment of victims of trafficking; which contain guidelines on victim identification methods, instructions on how to properly treat victims, and a summary on cooperation among police

ZAGREB 00000208 003 OF 006

officers and other organizations when handling TIP cases.

1G. The GOC established a National Committee for Suppression of Trafficking in 2002 and an Operational team in 2003 that provides for cooperation between various ministries, NGOs and other organizations dealing with TIP issues. The Deputy Prime Minister, who is simultaneously serving as Minister for Family, Veterans, and Intergenerational Solidarity, serves as the chairperson of the National Committee and is responsible for directing its efforts. The GOC also has a National Coordinator, the Head of the Government Office for Human Rights, who serves as the primary point of contact for NGOs and members of international organizations and the Diplomatic Corps.

1H. The GOC has a National Program for Suppression of Trafficking in Persons, which includes a strategic document covering years 2005-2008; Operational Plans for 2005, 2006 and 2007; and a National Plan for Suppression of Trafficking in Children for 2005-2007. Civil society members, Red Cross and IOM participated in the development of these plans, in addition to the Ministries of Health and Social Welfare, Interior, and Justice. National and Operational Plans were produced in Croatian and English, and were widely distributed to the relevant GOC institutions, civil society members and representatives of the international community. The majority of these documents are posted on the GOC's website.

13. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS

1A. The GOC has created an appropriate legislative framework, which provides for investigation and prosecution of human trafficking

crimes. Croatia has a provision in the Penal Code which specifically prohibits trafficking in persons, both for sexual and non-sexual purposes. The penalties provide for imprisonment from one year to long-term imprisonment. In addition, there are also other provisions that provide penalties for related criminal acts such as international prostitution, illegal transfer of persons across the state border, and pandering. These provisions were used in prosecution of TIP cases prior to the new specific TIP provision, which was enacted in October 2004. In addition to the criminal procedures against traffickers, victims can initiate civil litigation and request compensation from traffickers. In June 2006 the Croatian parliament enacted legislation that allows the prosecution of individuals who knowingly use the services of trafficking victims, and introduced penalties from three months to three years.

B. Penalties for traffickers of people for purposes of sexual exploitation provide for imprisonment from one to ten years. In cases where the TIP crime is committed against a minor, the minimum sentence is five years. If the crime is committed within a criminal group, or against large numbers of people, or causes the death of one or more persons, penalties provide for a minimum of five years to long-term imprisonment.

C. Criminal Provision 175 in the Croatian Penal Code, "Human Trafficking and Slavery", prescribed penalties for labor exploitation, such as forced labor, bonded labor and involuntary servitude. The prescribed penalty for such acts is from one to ten years imprisonment. In cases where the crime is committed against a minor, the minimum sentence is five years. If the crime is committed within a criminal group, or against large numbers of people, or cause the death of one or more persons, penalties provide for a minimum of five years to long-term imprisonment. According to the IOM, the majority of identified TIP cases involved both, labor and sexual exploitations. According to IOM labor trafficking cases are often hidden among illegal migrants, particularly since most of the illegal migrants identified in Croatia are coming from Bosnia.

D. Amendments to the Penal Code which were introduced in June 2006, state that the penalty for rape is three to ten years imprisonment. The minimum sentence for rape, which previously was one year imprisonment, has now increased to three years imprisonment. The penalties for rape or forcible sexual assault are as stringent as the penalties for trafficking for commercial sexual exploitation.

E. Prostitution is not legal in Croatia. International Prostitution is a criminal act per the Croatian Penal Code, and activities of prostitutes are misdemeanors. In addition, pandering is a criminal act and all activities of those who facilitate prostitution are punishable according to Croatian legislation.

F. The GOC reported that during 2006, ten cases were initiated

ZAGREB 00000208 004 OF 006

against 17 individuals pertaining to prosecution under Article 175 of Croatia's Criminal Code. Police arrested all individuals. In addition, the police also filed charges for related crimes: international human smuggling, prostitution and pimping. Last year, the police submitted 320 criminal charges against 358 individuals for the crime of human smuggling, 24 criminal charges against 13 individuals for the crime of pandering and five criminal charges for international prostitution against six individuals. In 2006, the police identified 5,665 foreign nationals who illegally entered Croatia. The National Coordinator for TIP reported one appealable TIP conviction and two related convictions for international prostitution, slavery, and illegal capture. (As the crimes on the second and third cases occurred prior to the enacting of the TIP provision in October 2004, these cases were prosecuted and convicted under the legal provisions that existed prior to adoption of specific TIP provision.) One criminal TIP-related final verdict convicted two defendants to one-year imprisonment each. In addition, one criminal TIP-related appealable verdict convicted two defendants to a one year suspended sentence each within a three year period. Finally, one appealable TIP verdict sentenced one defendant to a one year and three months suspended sentence within a three year

period.

¶G. According to the GOC, transnational criminal groups and small organized crime groups are behind trafficking. The GOC has no evidence to indicate where the profits from trafficking in persons, or proceeds of this crime are being channeled.

¶H. Police and State Prosecutors actively investigate cases of trafficking. In cases where inquiries into offenses cannot be carried out, the investigating judge may, upon the request of the State Attorney, approve surveillance techniques such as: surveillance and interception of telephone conversations or remote technical communication; entry on the premises for the purpose of conducting surveillance and technical recording of the premises; covert following and technical recording of individuals and objects; use of undercover investigators and informants; simulated purchase of certain objects; simulated bribery; controlled transport and delivery of objects from offenses. Similar measures may also be ordered against persons suspected of collaborating with perpetrators. Information acquired through the use of undercover operations and electronic surveillance can be used as evidence in criminal proceedings.

¶I. In 2006, the GOC, in cooperation with NGOs, Governmental institutions and international organizations, provided approximately 25 sessions of specialized training on recognizing, investigating and prosecuting trafficking in persons. In addition, training on how to assist victims of TIP and prevent the TIP crime were frequent. Training targeted the following groups: 60 social workers, 60 consular staff and students at the Diplomatic Academy, 60 local officials throughout the country, 1229 police officers (800 GOC police officers, 250 border officials, 90 traffic police officers, 30 police officers who deal with juvenile delinquency, 27 police officers responsible for illegal migration). These sessions utilized specifically trained trainers who plan to further train their colleagues using a pyramid approach; in total 32 police officers dealing with illegal migrations and 16 police officers dealing with organized crime, 15 persons who work in the reception centers and who are responsible for children, and 42 judges and state attorneys were trained. A trafficking in persons curriculum continued to be implemented through the Police Academy, providing for long-term sustainability in the standard required education of police officers in Croatia. During 2006, the Police Academy High Police School continued to hold lecture units on the suppression of trafficking in persons as part of the "Criminalistics" course and the "Organized Crime Investigation Methods" course. In addition, in January 2007 the Ministry of Interior conducted an exercise, jointly funded with the IOM, attended by representatives of the Ministry of Interior, Health and Social welfare, State Prosecutors, and NGOs who deal with TIP issues. The main outcome of this session was a draft of the Protocol regarding the Work of the Mobile Teams. This protocol should provide an official framework for cooperation between the police and members of civil society working with TIP victims. Lastly, the GOC provided specialized trainings for about 40 NGO members who directly work with GOC institutions, 30 students and 100 members of the Roma community.

¶J. The GOC, through the International Center for Migration and Policy Development (ICMPD), established institutional cooperation with other countries in Southeastern Europe. According to the Ministry of Interior, six cooperative investigations have resulted in concrete criminal charges. The Interior Ministry continued to actively participate in all regional and international

ZAGREB 00000208 005 OF 006

anti-trafficking initiatives in cooperation with Interpol, Europol, and the Southeast European Cooperative Initiative (SECI) Regional Center for Combating Trans-Border Crime. The GOC continues active participation and cooperation with the Council of Europe, the Central European Initiative (CEI), Adriatic-Ionian Initiative (AII), South-East European Cooperation Process (SEECP), the Organization for Security and Co-operation in Europe (OSCE), the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the International Center for Migration Policy Development (ICMPD), the United Nations Development Program (UNDP), the International Criminal Investigative Training and Assistance Program (ICITAP), and the Organized Crime Training

Network (OCTN). The Ministry also reported frequent contacts with foreign countries regarding various investigations. As part of Croatia's accession process to the European Union, the GOC cooperates with EU Member States.

¶K. According to the GOC, Croatia did not have any requests for extradition of foreign traffickers, and thus Croatia reported no TIP extraditions to foreign countries. The Croatian Constitution prohibits extradition of its nationals.

¶L. There is no evidence of GOC officials' involvement in trafficking activities or tolerance of trafficking.

¶M. Not applicable. There is no evidence of GOC officials being involved in any form of TIP crimes.

¶N. The GOC did not identify problems with child sex tourism and the GOC is not aware of any prosecutions or extraditions of foreign pedophiles in 2006. The Croatian Penal Code contains provisions that punish pedophilia; official statistics for 2007 will be available in March 2007. The Croatian Penal Code which covers child sexual abuse contains an extraterritorial provision.

¶O. The GOC has signed and ratified the following documents:

ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor. (Ratified 17.07 2001.)

ILO Convention 29 and 105 on forced or compulsory labor. (ILO Convention 29 was taken over from former Yugoslavia 08.10.1991 and 105 was ratified 05.03.1997)

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. (ratified 21.03.2002)

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime (signed on 13.12.2000 and ratified on 07.11.2002)

¶4. (SBU) PROTECTION AND ASSISTANCE

¶A. Victims of trafficking are provided with legal, medical and psychological services. In the reporting period Croatia assisted 16 TIP victims and offered assistance: legal, social, and medical. Only two victims accepted accommodation in the state shelter. Other victims expressed their willingness to return to their place of residence. Before the victims returned to their place of origin, they were placed in reception centers, and minor victims received temporary assistance through the social welfare system. Six Croatian victims identified were accommodated within their families in Croatia. In May 2005, the GOC signed the Council of Europe Convention on Action against TIP, emphasizing enhancement of mechanisms to protect victims. This Convention is in the early process of ratification. All TIP victims are relieved from deportation or detention. Trafficked victims in Croatia are protected from secondary victimization, stigmatization and incrimination, prosecution or imprisonment for acts committed within the process of trafficking.

¶B. The GOC funds NGOs operating the SOS helpline and provides funding for two shelters (one for adults and one for minors) for victims of trafficking. The GOC also provides financial support to several NGOs involved in anti-TIP activities, and provides assistance to trafficking victims, including educational and vocational training.

¶C. Croatia has a national referral system, employing "mobile teams", through which victims are identified and referred for assistance.

ZAGREB 00000208 006 OF 006

The GOC has protocols in place for the identification and treatment of trafficking victims: Protocol on Detection and Care for Victims of Trafficking in Persons, Instructions for Interviewing Illegal

Migrants and Other Persons Who are Suspected Victims of Trafficking and Rules and Procedures in Shelters. Special procedures (Laws and Protocols) are used for minor victims of trafficking. Border police and other police officers are instructed in all protocols. Social workers also have special instructions on how to recognize and treat victims of trafficking. In addition, 21 social workers have been appointed in each county to deal specifically with TIP victims who are minors.

1D. The GOC did not deport or punish victims of trafficking. While the law criminalizes international prostitution and unauthorized (illegal) border crossings, it exempts trafficking victims from prosecution. Similarly, the law allows authorities to charge foreign prostitutes with a misdemeanor and initiate deportation proceedings if they do not fulfill legal requirements for their stay in Croatia, but exempts trafficking victims from deportation and detention.

1E. Regulation of victim's legal status in Croatia is not conditioned upon the victim's cooperation with the prosecution. TIP victims are entitled to file both civil and criminal lawsuits. In addition, according to the Croatian legislation, victims have the right to press charges themselves and may continue to prosecute a case that has been dropped by the State Prosecutor.

1F. The GOC, in cooperation with civil society, provided the following assistance to victims of trafficking: medical, legal, accommodation, psychological, re-employment counseling, return and repatriation. Although Croatia has a Witness Protection Law, in practice during the reporting period the GOC did not apply this law for TIP cases.

1G. All training for officials of the GOC is listed above in section I (Prosecution and Investigations).

1H. Repatriated nationals are entitled to state health care, and Croatian citizens generally are reunited with their families. According to the GOC, Croatian citizens who have been identified as TIP victims have been offered all forms of assistance. The GOC assisted six repatriated Croatian nationals through legal, medical, social, psychological assistance and vocational training.

1I. First aid to the victims of trafficking is being offered in cooperation with Croatian Government officials by the following organizations: Organization for Integrity and Prosperity (OIP), Rosa, Korak, Red Cross and Women Association Vukovar. NGOs reported excellent cooperation with the Government Office for Human Rights, Ministry of Interior and the local police officers. One NGO (Organization for Integrity and Prosperity, or OIP) runs a shelter for victims that is funded by the GOC (with IOM funding until January 2007). Three NGOs run the SOS helpline (OIP, Rosa, Women Association Vukovar), and two NGOs (Korak and Rosa) provide for victims assistance, offering alternative accommodation. The Croatian Red Cross operates temporary reception centers for TIP victims and a shelter for adult victims of TIP.

15. (U) Embassy points of contact are Political Officer Douglas A. Fisk Phone: 385-1-661-2341, fax: 385-1-661-2147 and local assistant Vladimira Djukic Phone: 385-1-661-2422. In preparing the report, the 04-ranked officer spent approximately 25 hours and a local assistant spent approximately 20 hours.

BRADTKE